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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
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| 09/484,722 | 01/18/2000 | Seiichi Kobayashi | FUJI 16.959 | 1025 |

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Helfgott & Haras PC
Empire State Building
60th Floor
New York, NY 10118

*Restarted
3/19*

EXAMINER

VOLPER, THOMAS E

| ART UNIT | PAPER NUMBER |
|----------|--------------|
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2697

DATE MAILED: 02/14/2003

4/5

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/484,722

Applicant(s)

KOBAYASHI, SEIICHI

Examiner

Thomas Volper

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-9 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-9 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 18 January 2000 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on ____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. ____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 2.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). ____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: .

DETAILED ACTION

Priority

1. Receipt is acknowledged of papers submitted under 35 U.S.C. 119(a)-(d), which papers have been placed of record in the file.

Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

The changes made to 35 U.S.C. 102(e) by the American Inventors Protection Act of 1999 (AIPA) do not apply to the examination of this application as the application being examined was not (1) filed on or after November 29, 2000, or (2) voluntarily published under 35 U.S.C. 122(b). Therefore, this application is examined under 35 U.S.C. 102(e) prior to the amendment by the AIPA (pre-AIPA 35 U.S.C. 102(e)).

3. Claim 1, 2 and 4-6 are rejected under 35 U.S.C. 102(e) as being anticipated by Sasagawa.

- Regarding claim 1, Sasagawa discloses a terminal device and a network device that support the communications protocol of a predetermined network management information system (col. 3, lines 32-34). Fig. 4 shows an ATM terminal unit (410). A processor of this unit

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determines whether communication will be conducted via a PVC (col. 10, lines 31-40). Fig. 18 shows an embodiment of the invention in which SNMP is the given protocol. Network management information is exchanged between an SNMP agent (1801) and an SNMP manager (1802) (col. 17, lines 21-28).

- Regarding claim 2, Sasagawa discloses a cell assembly/disassembly unit (CLAD) (409) that is connected to the ATM UNI interface of the ATM terminal unit (410) (col. 8, lines 48-54).

- Regarding claim 4, the CLAD is accommodated inside the ATM terminal unit, which meets the limitation of a transmission apparatus of the present invention (see Fig. 4).

- Regarding claims 5 and 6, the SNMP processing unit (407), which is also SNMP agent (1801) sends and receives information over the ATM network via UNI (402) through a cell-extracting/inserting unit (404) (col. 6, lines 6-49). The ATM call control unit (406) triggers the SNMP processing unit (407) (col. 15, lines 65-67).

Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claim 7 is rejected under 35 U.S.C. 103(a) as being unpatentable over Sasagawa et al. as applied to claims 1, 2, and 4-6 in the 102(e) rejection above, and further in view of Song.

- Regarding claim 7, Sasagawa et al. discloses all of the limitations except performing

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management of a STM node. Song discloses a multimedia handling node that uses the same hardware and software platform to accommodate both a STM node and an ATM node (col. 4, lines 6-25). An STM module interworks with an ATM module by way of a CLAD (see Fig. 2). At the time the invention was made, it would have been obvious to a person of ordinary skill in the art to use the network management information system of Sasagawa to manage the combined ATM and STM node of Song. One of ordinary skill in the art would have been motivated to do this in order to allow diverse types of communications on the network.

6. Claim 8 is rejected under 35 U.S.C. 103(a) as being unpatentable over Sasagawa et al. as applied to claims 1, 2 and 4-6 in the 102(e) rejection above, and further in view of Song and Biegel et al.

- Regarding claim 8, Sasagawa et al. discloses all of the limitations except a STM transmission, a transaction language (TL1) and a common management information services element (CMISE). Song discloses a STM node to allow STM transmission as aforementioned in reference to claim 7. Biegel discloses a network element that supports both TL1 and CMISE interfaces to communicate messages to agents and subagents (col. 1, lines 21-31). At the time the invention was made, one of ordinary skill in the art would have been motivated to include both a TL1 and CMISE interface in the transmission apparatus in order to support communication in both non-OSI and OSI architectures.

7. Claim 9 is rejected under 35 U.S.C. 103(a) as being unpatentable over Sagawara et al. as applied to claims 1, 2 and 4-6 in the 102(e) rejection above, and further in view of Sugita.

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- Regarding claim 9, Sagawara discloses all of the elements of the claim, except a LAN interface connecting a network management system. Sagawara also fails to disclose the particular arrangement of the elements whereby the transmission apparatus connects to two network management systems concerning two different CLAD's. Sugita discloses one controller for a plurality of CLAD's, each associated with at least one LAN (see Figs. 1 and 3). At the time the invention was made it would have been obvious to a person of ordinary skill in the art to use the ATM terminal unit (410), or transmission device, to make contact with the SNMP manager (1802) on the ATM network (401) via UNI (402). It would be obvious that this manager might have attached to it another such device as (410) that contains another such CLAD (409), external to the first ATM terminal unit. It would also be obvious that the original ATM terminal unit (410) would have attached to it a local SNMP manager like SNMP manager (1802). It would be obvious to connect this manager as one of the terminals 1A-3B (Fig. 5) via a LAN, such as Sugita shows a CLAD attached to a LAN. Fig. 18 of Sagawara shows how SNMP agent (1801) is connected to SNMP manager (1802) via a network interface. One of ordinary skill in the art would have been motivated to do this to provide network management on a high level that provides one agent to manage a multitude of network managers associated with different local areas.

Conclusion

8. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

- Abe (US 6,115,382) Permanent Virtual Connection Reservation Control System

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- Sasaki (US 6,345,054) Cell Relay Communication Method, Cell Relay Communication System and Cell Relay Communication Equipment.

9. Any inquiry concerning this communication, or earlier communications from the examiner should be directed to Thomas Volper whose telephone number is 703-305-8405 and fax number is 703-746-9467. The examiner can normally be reached between 9:00am and 6:30pm M-F.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ricky Ngo, can be reached at 703-305-4798. Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-305-4750.

tev

January 27, 2003


RICKY NGO
PRIMARY EXAMINER